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3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com
John Hinderaker AZ State Bar No. 018024
Email: jhinderaker@lrlaw.com

Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,¹

USA SECURITIES, LLC,²
Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING
THIRD OMNIBUS OBJECTION OF
USACM TRUST TO PROOFS OF
CLAIM BASED UPON
INVESTMENT IN THE
OPAQUE/MT. EDGE \$7,350,000
LOAN; AND CERTIFICATE OF
SERVICE**

Date of Hearing: July 24, 2008
Time of Hearing: 9:30 a.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR
CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE
OPAQUE/MT. EDGE \$7,350,000 LOAN BECAUSE THE USACM TRUST**

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

1 **CONTENDS THAT YOU HAVE BEEN PAID IN FULL FOR YOUR**
2 **INVESTMENT IN THAT LOAN. THIS OBJECTION WILL NOT IMPACT**
3 **YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN A**
4 **DIFFERENT LOAN.**

5 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
6 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS
7 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
8 **SHOULD BE DIRECTED TO BRANT FYLLING OF SIERRA CONSULTING**
9 **GROUP, LLC ((602) 424-7009) OR THE UNDERSIGNED COUNSEL.**

10 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust has filed its
11 Third Omnibus Objection to Proofs of Claim Based Upon Investment in the Opaque/Mt.
12 Edge \$7,350,000 Loan (the "Objection"). Your Proof of Claim number and other
13 information regarding your claim is provided in **Exhibit A**, attached. The USACM
14 Liquidating Trust has requested that this Court enter an order, pursuant to Bankruptcy
15 Code § 502 and Bankruptcy Rule 3007, disallowing your Proof of Claim to the extent it is
16 based upon an investment in the Opaque/Mt. Edge \$7,350,000 Loan. The Objection will
17 not impact your Claim to the extent it is based upon an investment in a different loan.

18 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
19 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley
20 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on
21 **July 24, 2008, at the hour of 9:30 a.m.**

22 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON JULY 24,**
23 **2008, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**
24 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**
25 **HEARD ON THAT DATE.**
26

If an objection to a claim is opposed, a written response must be filed and served on the objecting party at least 5 business days before the scheduled hearing. A response is deemed sufficient if it states that written documentation in support of the proof of claim has already been provided to the objecting party and that the documentation will be provided at any evidentiary hearing or trial on the matter.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

LEWIS AND ROCA LLP

Susan M. Freeman, AZ 4199 (*pro hac vice*)
 Rob Charles, NV 6593
 John C. Hinderaker, AZ 18024 (*pro hac vice*)
 3993 Howard Hughes Parkway, Suite 600
 Las Vegas, Nevada 89169
 Telephone: (702) 949-8320
 Facsimile: (702) 949-8321
 E-mail: rcharles@lrlaw.com
Attorneys for the USACM Liquidating Trust

s/Renee L. Creswell
Renee L. Creswell
Lewis and Roca LLP